By: Bhojani H.B. No. 1123

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of a student with fetal alcohol spectrum disorder for special education services provided by a public school.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 29.003(b), Education Code, is amended to read as follows:

(b) A student is eligible to participate in a school district's special education program:

(1) from birth through 21 years of age if the student has a visual impairment, is deaf or hard of hearing, or is deaf-blind and that disability prevents the student from being adequately or safely educated in public school without the provision of special education services;

(2) from three years of age through nine years of age if the student is experiencing developmental delays as described by 20 U.S.C. Section 1401(3)(B) and defined by commissioner rule; or

(3) from 3 years of age through 21 years of age if the student:

(A) has one or more of the disabilities described by 20 U.S.C. Section 1401(3)(A) or has fetal alcohol spectrum disorder; and

(B) that disability or disorder prevents the student from being adequately or safely educated in public school

without the provision of special education services.

SECTION 2. This Act takes effect immediately if it receives a vote of two thirds of all members elected to each house, provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2027.